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11 CREATE NEW TECHNOLOGY (HK) CO. LTD.

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION

15 CHINA CENTRAL TELEVISION, A
16 China company; CHINA
17 INTERNATIONAL
18 COMMUNICATIONS, CO., LTD., a
19 China company; TVB HOLDINGS
20 (USA), INC., a California corporation;
21 and DISH NETWORK L.L.C. a
22 Colorado limited liability company,

23 Plaintiffs,

24 vs.

25 CREATE NEW TECHNOLOGY
26 (HK) LIMITED, a Hong Kong
27 Company, HUA YANG
28 INTERNATIONAL TECHNOLOGY
LIMITED, a Hong Kong Company,
SHENZHEN GREATVISION
NETWORK TECHNOLOGY CO.,
LTD., a China company, CLUB
TVPAD, INC., a California
corporation; BENNETT WONG, an
individual; ASHA MEDIA GROUP

Case No. CV 15-1869 MMM (AJWx)

Assigned for all purposes to:
Honorable Margaret M. Morrow

**DEFENDANT CREATE NEW
TECHNOLOGY (HK) CO. LTD.'S
OPPOSITION TO PLAINTIFFS' EX
PARTE APPLICATION TO
ADVANCE HEARING ON
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION
FROM JUNE 8, 2015 TO APRIL 27,
2015**

YOUNG, ZINN & BATE LLP
888 SOUTH FIGUEROA STREET, FIFTEENTH FLOOR
LOS ANGELES, CALIFORNIA 90017

1 INC. d/b/a TVPAD.COM, a Florida
2 corporation; AMIT BHALLA, an
individual; NEWTPAD LTD.
3 COMPANY d/b/a NEWTPAD.COM
4 a/k/a TVPAD USA, a Texas
corporation; LIANGZHONG ZHOU,
5 an individual; HONGHUI CHEN
d/b/a/ E-DIGITAL, an individual;
6 JOHN DOE 1 d/b/a BETV; JOHN
7 DOE 2 d/b/a YUE HAI; JOHN DOE 3
d/b/a 516; JOHN DOE 4 d/b/a HITV;
8 JOHN DOE 5 d/b/a GANG YUE;
9 JOHN DOE 6 d/b/a SPORT ONLINE;
10 JOHN DOE 7 d/b/a GANG TAI WU
XIA; and JOHN DOES 8-10,

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12 Defendants.
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1 Defendant Create New Technology (HK) Co. Ltd. (“Create”) opposes
 2 Plaintiffs’ *Ex Parte* Application to Advance Hearing on Plaintiffs’ Motion for
 3 Preliminary Injunction from June 8, 2015 to April 27, 2015 (hereinafter, “Plaintiffs’
 4 *Ex Parte* Application”) for two reasons: first, Create will not have adequate time to
 5 prepare its defenses by April 27; and second, Plaintiffs have not shown that
 6 advancement of the hearing date is necessary.¹

7 Create has only in the last few days engaged counsel for this litigation.
 8 Create will need time to evaluate the claims and prepare its response. In addition, it
 9 is impossible for Create to file an opposition to Plaintiffs’ motion under Plaintiffs’
 10 proposed order because the proposed deadline for an opposition, April 6, has already
 11 passed.

12 Plaintiffs state, in conclusory fashion, that “Plaintiffs’ will continue to suffer
 13 immediate and irreparable harm from Defendants’ infringement, if Plaintiffs’
 14 Motion for Preliminary Injunction is not granted.” (Plaintiffs’ *Ex Parte* Application
 15 at 5.) But Plaintiffs offer no evidence that waiting six weeks for the currently
 16 scheduled hearing date will cause them “immediate and irreparable harm.” In
 17 addition, Plaintiffs offer no evidence that they acted diligently in bringing this action
 18 or their motion for preliminary injunction. In fact, evidence suggests that the basis
 19 for the action dates to at least last year: (1) Plaintiffs cite evidence regarding accused
 20 infringing “apps” dated January 8, 2014 (Doc. No. 23 at 6); (2) Plaintiffs state that
 21 the current model TVpad sold by Create is the fourth generation model of its kind
 22 (Doc. No. 23 at 4); and (3) Plaintiffs state that there is a related case alleging
 23 “similar claims for copyright infringement” regarding Create’s TVpad product that
 24 was filed almost one year ago (Doc. No. 3 at 1). Thus, there is no evidence that
 25 Plaintiffs will suffer “immediate and irreparable harm” in waiting six weeks for the
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27
 28 ¹ Create reserves its right to plead or otherwise respond to Plaintiffs’ Complaint in any manner
 provided in the Federal Rules of Civil Procedure and the Local Rules of this court.

1 scheduled hearing or that Plaintiffs have acted diligently in bringing their motion for
2 preliminary injunction.

3 As a result, Defendant Create respectfully requests that the Court deny
4 Plaintiffs' *Ex Parte* Application.

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7 DATED: April 8, 2015

YOUNG, ZINN & BATE LLP

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9 By: /s/ Lester F. Aponte

10 LESTER F. APONTE

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12 Attorneys for Defendant
13 CREATE NEW TECHNOLOGY (HK)
14 CO. LTD.
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PROOF OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of 18 and not a party to the within action. My business address is 888 S. Figueroa Street, 15th Floor, Los Angeles, California 90017.

On April 8, 2015, I hereby certify that I electronically filed the foregoing document described as **DEFENDANT CREATE NEW TECHNOLOGY (HK) CO. LTD.'S OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION TO ADVANCE HEARING ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION FROM JUNE 8, 2015 TO APRIL 27, 2015** with the Clerk of the Court for the United States District Court, Central District of California. Participants in the case who are registered users will be served by the CM/ECF system, electronically transmitted on the following interested parties in this action at the email addressed below:

Carla A. McCauley, Esq. DAVIS WRIGHT TREMAINE LLP 865 So. Figueroa Street 24 th Floor Los Angeles, CA 90017 Tel: (213) 633-6800 Fax: (213) 633-6899 Email: carlamccauley@dwt.com	Representing PLAINTIFFS
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I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on April 8, 2015, at Los Angeles, California.


 Patty Flores